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In re Application of  
Allington et al.  
Application No. 09/187,472  
Filed: November 6, 1998  
Attorney Docket No. 17990-1-1

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ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 11, 2004, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed August 27, 2002, and no extensions of time under the provisions of 37 CFR 1.136(b) was obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the above-identified application became abandoned on October 28, 2002. See MPEP 1215.04. A Notice of Abandonment was mailed on April 22, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The file is now being forwarded to Technology Center 1700 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy